

DISTRICT ONE

2002-2003 ANNUAL PRO BONO REPORT AND PLAN

This Annual Pro Bono Report and Plan is made pursuant to Rule 6.5 of the Indiana Rules of Professional Conduct. The goals of this plan are as follows:

- (1) To enable Indiana attorneys to discharge their professional responsibilities to provide civil legal pro bono services;**
- (2) To improve the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations throughout the state of Indiana;**
- (3) To ensure statewide access to high quality and timely pro bono civil legal services for persons of limited means by (i) fostering the development of new civil legal pro bono programs where needed and (ii) supporting and improving the quality of existing civil legal pro bono programs;**
- (4) To foster the growth of a public service culture within the Indiana Bar which values civil legal pro bono publico service;**
- (5) To promote the ongoing development of financial and other resources for civil legal pro bono organizations in Indiana;**

HALLMARKS OF AN EFFECTIVE CIVIL LEGAL PRO BONO PROGRAM

Ultimately, the measure of success for a civil legal services program, whether a staffed or volunteer attorney program, is the outcomes achieved for clients, and the relationship of these outcomes to clients' most critical legal needs. The following hallmarks are characteristics, which enhance a pro bono program's ability to succeed in providing effective services addressing clients' critical needs.

- 1. Ownership by the local bar association.** The association believes the program is necessary and beneficial. The bar association makes a dual commitment: to management of the program and to participation in the program.
- 2. Centrality of client needs.** The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available. The staff and volunteers are respectful of clients and sensitive to their needs.
- 3. Program priorities.** The program engages in a priority setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal services and other programs serving low-income people to assist in this process.
- 4. Direct representation component.** The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.
- 5. Coordination with state and local civil legal service programs and bar associations.** The programs work cooperatively with the local funded civil legal services programs. The partnerships between the civil legal services programs and the local bar association results in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.
- 6. Accountability.** The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s) and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.
- 7. Continuity.** The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines which enable the program to survive a change in staff.

8. Cost-effectiveness. The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.

9. Minimization of barriers. The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.

10. Understanding of ethical considerations. The program operates in a way, which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided.

11. ABA Standards. The program should be designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

TABLE OF CONTENTS:

- A. Abstract**
- B. Data**
 - 1. Membership on District Committee**
 - 2. Governance**
 - 3. History/Background**
 - 4. Plan Administrator**
 - 5. Monitoring Role of the District Committee**
- C. 2002-2003 Pro Bono Report - Existing Services and Programs, other funding sources**
- D. 2002-2003 Pro Bono Plan: Problem Statements/ Recommendations worksheets.**
- E. Appendices 1 through 8.**

A. ABSTRACT

Please summarize the current status of your Committee's planning process. Your summary should include the District Committee's mission statement, a history of the organization, a description of the current legal services delivery system, as well as identification, categorization and prioritization of the legal problems experienced by indigent individuals within the counties of your District. Please include additional information you deem to be relevant to a complete description of the current status of your Committee.

MISSION STATEMENT

The mission of the Indiana First Judicial District Pro Bono Committee, Inc. is to assure access to justice for all, regardless of income, by

1) recruiting attorneys to volunteer their services to low-income persons who have urgent civil legal needs and to not-for-profit community organizations which primarily serve the urgent needs of low-income populations;

2) eliminating barriers, such as lack of information about legal matters, available legal resources, and how to access them, which often prevent persons with legitimate legal needs from receiving attorney services;

3) assisting and acknowledging the attorneys who accept cases.

HISTORY

District One was incorporated as a not-for-profit corporation in May, 2001, per Rule 6.5 of the Indiana Rules of Professional Conduct and received its 501(c)(3) designation in November, 2001. A part-time plan administrator, former Legal Services attorney and private practitioner, Judith H. Stanton, was hired in May, 2001, and became the full-time administrator beginning January 1, 2002. The Board of Directors consists of judges, attorneys, social service agency heads, and present and former clients, representing all seven of the counties in the First Judicial District.

Resolutions endorsing the aspirational goal of 50 annual probono attorney hours have so far been adopted by the Lake County Bar Association, the civil judges of Lake County, and the Starke Circuit Court. Similar resolutions are pending before the Lake and Porter County Inns of Court, the Porter County Bar Association, and the Starke and Newton judiciary. Substantial cash donations totalling over \$9000.00 were made in 2001 (received January 2002) by individual members of the Lake County Bar Association as part of the Bar's dues check-off process. (Information regarding 2002 donations from the current LCBA dues collection process is not yet available.)

Free civil legal services in the First District are currently being provided primarily by Indiana Legal Services with offices and/or intake sites in Gary, Hammond, Crown Point, South Bend and Lafayette and toll-free telephone intake as well. Referrals for pro bono attorneys are received from ILS and also from the Lake County Domestic Relations Bureau, various domestic violence shelters, and general word of mouth. In addition the Lake County IV-D Child Support Prosecutors office has recently developed pro se

support modification packets for both custodial and non-custodial parents. The Lake County Domestic Relations Bureau, the local CASA program, and the Porter County Family Court also have a cadre of attorneys who do pro bono or reduced fee mediations and volunteer as guardians ad litem. **See Hallmarks Of An Effective Civil Legal Pro Bono Program, Hallmark #5.**

The First District works to address the client legal issue priorities identified in the past by Indiana Legal Services, the former Legal Services of Northwest Indiana, and the Public Opinion Laboratory in 1999, and other prior studies. The latest studies identified as substantial legal needs: child support, divorce, bankruptcy & credit disputes, tenant/landlord disputes, child custody where there is evidence of parental neglect or abuse, public benefits issues (SSI, Medicaid, township poor relief, TANF, HOUSING, VA benefits), adult guardianships/trusts, wills, POA etc., small claims, hardship drivers licenses, denial of mental health services, and complicated protective order proceedings. **See Hallmark #2, “Centrality of Client Needs.”** To update its program priorities, the Committee began by co-sponsoring the priority setting public sessions conducted in the First District by ILS in February, 2002.

To prepare for this public session, the Committee co-sponsored an educational luncheon for the heads of major social services agencies in the First District. Representatives from the counties were present. This luncheon served as an orientation to the legal services available from the Committee and other sources and has already resulted in several referrals. This luncheon was co-sponsored and co-organized by our Committee member Tim Cottingham, the executive director of Greater Hammond Community Services, one of the largest community-based not-for-profit social service entities in Northwest Indiana. Upon receipt of the results of the 2002 ILS process, which are expected sometime this fall, we will determine our priorities for pro bono services to best supplement and complement the work of the ILS attorneys, including consideration of cases that they are precluded from handling. The Committee believes that the foregoing demonstrates its commitment to **Hallmark #3, “Program Priorities”**.

In addition to the ongoing recruitment of volunteer attorneys and assignment of cases, the First District is concentrating its efforts this year on (1) developing recruitment opportunities such as free or low-cost CLE,; (2) gaining endorsements by specific practice sections of the relevant bar associations; (3) assuming the pro bono referral process from the five counties served by the Lafayette and South Bend ILS offices; and (4) developing relationships with the private bar and social service agencies in those counties similar to those in our largest counties, Lake and Porter.

The Committee provided volunteer attorneys for two informational seminars for the general public on predatory lending/consumer bankruptcy. **See Appendix 8.** In presenting these seminars, the Committee collaborated with the Hammond Human Relations Council (a department of the City of Hammond) Bank Calumet (the largest privately owned bank in Northwest Indiana), Greater Hammond Community Services (one of the largest community based not-for-profit social service entities in Northwest Indiana), and the Ophelia Steen Community Center (one of the first “one-stop” integrated social services centers housing various social service agencies”). These seminars will be taken on the road to other locations/community organizations within the First District. As part of this process we are assisting in developing a Spanish language informational

brochure on predatory lending. See **Hallmark #9, “Minimization of Barriers”**

B. DATA

1. In the following space, please list the following information about the Committee members: name, organization affiliation (if any), address, phone, fax and E-mail address. Please include what category listed in rule 6.5 (f) (1) this person is representing. Please indicate if members represent more than one organization or category. Please include the judicial appointee and if applicable the District plan administrator at the top of this page.

**The Honorable William E. Davis
Chair/Supreme Court Appointee**

Judge, Lake Superior Court -

Room Two

3711 Main St.

East Chicago, IN 46312

Ph: 219/398-2443

Fax: 219/392-0047

email:

Indiana Pro Bono Commission.

vice president; Director, Indiana Equal
Justice Fund

Judith H. Stanton, Esq.

Plan Administrator

652 E. Third St., PO Box 427

Hobart, IN 46342

Ph: 219/945-1799

Toll Free: 866/945/1799

Fax: 219/945-0995

email: probono@hobartlaw.net

**Richard P. Komyatte, Esq., Vice-
Chair**

Richard P. Komyatte & Assoc.

9650 Gordon Dr.

Highland, IN 46322

Ph: 219/924-9820

Fax: 219/922-5577

email: rkomyatte@netnitco.net

Lake County Bar Association;

Indiana Legal Services Board -

Chair of Resource Development

Committee; Indiana Pro Bono

Commission; Director, Indiana

Equal Justice Fund

**The Honorable Lorenzo Arredondo
Judge, Lake Circuit Court**

2298 N. Main St.

Crown Point, IN 46307

Ph: 219/755-3488

Fax: 219/755-3484

email:

Lake County Bar Association; Lake

County Inns of Court; Indiana Legal

Services Board; Director, Indiana Equal

Justice Fund

William T. Enslen, Esq.,

Secretary/Treasurer

Enslen, Enslen & Matthews

142 Rimbach

Hammond, IN 46320

phone: 219/931-1700

fax: 219/931-5063

email: wte142law@aol.com

Lake County Bar Association;

Indiana Legal Services Board-1st

Calvin Bellamy, Esq.

Chairman/CEO Bank Calumet

5231 Hohman Ave.

Hammond, IN 46320

ph: 219/853-2133

fax: 219/853-2199

email: cbellamy@bankcalumet.com

Lake County Bar Association

**The Honorable Patrick Blankenship
Judge, Pulaski Superior Court**

112 E. Main St.

Winamac, IN 46996
ph:574/946-3371
fax:574/946-4953
email:
Blankenship80@hotmail.com
Pulaski County Judiciary and Bar

Timothy Cottingham
Executive Director, Greater
Hammond Community Services,
Inc.
824 Hoffman St.
Hammond, IN 46327
ph:219/932-4800
fax:219/933-3452
pager:795-5208
email:timothycottingham@yahoo
Community Services representative

John Downs
2128 E. Glendale
Valparaiso, IN 46383
ph:219/464-1927
fax:
email: jcdorg@msn.com
Porter County Headstart; former
recipient; Indiana Legal Services
Board

Donald Evans, Esq.
Evans & Evans
7 Napoleon
Valparaiso, IN 46383
Ph: 219/462-5128
Fax:219/464-0941
email:donevans@sevennapoleon.com
Porter County Bar Assoc.; Porter
County Inns of Court

Kenneth Flanagan
Executive Dir., Catholic
Charities

973 W. 6th Ave.
Gary, In 46402
ph:219/882-2723
fax:219/886-2428
email:kflanagan@catholic-charities.org
Community & religious community rep.

M.Elizabeth Flores, Esq.
Lake County Division of Family &
Children
800 Massachusetts
Gary, In 46402
ph:219/881-6651
fax:219/881-6681
email:mflores@fssa.state.in.us
President-Hispanic Bar Assoc.; Women
Lawyers Assoc. of Lake County; Lake
County Bar Association; Indiana Legal
Services Board

Susan Gleason
Coordinator,Porter County StepAhead
Council
253 W. Lincolnway
Valparaiso, In 46383
ph:219/464-9585
fax:219/462-4159
email:susangleason@home.com
Community -at-large;

Mary Hosea
1200 Washington St., Apt 614
Gary, IN 46404
ph:219/885-1490
fax:
email:
Community-at-large; former recipient

Nancy Kelly
737 Tyler St.
Gary, IN 46402
ph:882-2995
fax:
email:

Community-at-large; former
recipient; Indiana Legal Services
Board

Paul A. Leonard, Jr., Esq.
Burke, Costanza & Cuppy LLP
8585 Broadway, Suite 600
Merrillville, In 46410
ph:769-1313
fax:769-6806
pleonardjr@aol.com
Lake County Bar Assoc.; Indiana
Legal Services Board-2nd Vice
President

The Honorable David Matsey
Judge, Starke Circuit Court
53 E. Washington St.
Knox, IN 46534
ph:574/772-9146
fax:574/772-9120
email:matsey@skynet.net
Starke County Judiciary & Bar

Dock McDowell Jr., Esq
Dock McDowell & Associates
7895 Broadway, Suite D
Merrillville, IN 46410
ph:219/756-7000
fax:219/736-8525
email: lawdock@aol.com
Pres., Kimbrough Bar Assoc.; Lake
County Bar; Indiana Legal
Services Board

The Honorable J. Phillip
McGraw
Judge, Jasper Circuit Court
115 West Washington St.
Courthouse Square
Rensselaer, IN 47978

ph:219/866-4971
fax:219/866-4988
email:Phil@LilJasper.com
Jasper County Judiciary & Bar

Mark Miller
2126 Glendale
Valparaiso, In 46383
ph: 219/465-7630
fax:
email:millersinvalpo@aol.com
Recent Law Graduate

The Honorable Daniel J. Molter
Judge, Newton Superior Court
PO Box 143
Kentland, In 47951
ph:219/474-5569
fax:219/474-6751
Newton County Judiciary & Bar

Steven Rodriguez, Esq.
Interim Managing Attorney
Indiana Legal Services - Gary Office
504 Broadway - Suite 301
Gary, IN 46402
ph:219/886-3161
fax:219/886-5143
srodriguez@legalservicesofnwi.org
Indiana Legal Services

Barbara Schmidt, Esq.
Valparaiso University Law Clinic
Valparaiso, IN 46383
ph: 219/465-7903
fax:219/465-7897
email:Barbara.Schmidt@Valpo.Edu
Valparaiso University School of Law

2. **Governance - Briefly describe the organizational structure of your District, including replacement and succession of members, and terms of service.**

The Committee is a 501(c)(3) not-for-profit corporation. By-Laws provide for three (3) year staggered terms for the directors and one year terms for officers. Directors are drawn from all seven counties of District One and include judges, attorneys, community service organization heads, and present or former clients and meet at least quarterly. Our efforts to recruit a diverse membership from the community-at-large has already shown results in collaborative efforts described elsewhere in this proposal. The Committee is also organized into the following subcommittees: Client, Bar & Judicial Relationships; Public Relations ILS & Community Collaboration; Finance/Audit & Resource Development; Program Development & Quality Assurance; Law Firm Recruitment; and Nominating. These subcommittees meet between Committee meetings and are charged with developing ideas, programs, plans, and solutions to issues for consideration and approval by the Committee as a whole. We are firmly committed to such a structured program and believe that by so doing we have achieved **Hallmark #7, "Continuity"**.

3. History/Background - Please list all counties in the District, any pro bono organizing activity or efforts at coordination that existed prior to the formation of the Rule 6.5 Committee.

The First Judicial District consists of Lake, Porter, LaPorte, Newton, Jasper, Pulaski & Starke Counties. The only pro bono activity that existed prior to the formation of the Rule 6.5 Committee consisted of Indiana Legal Services pro bono referrals and the recruitment of guardians ad litem and mediators through offering reduced or free training conducted by the CASA program and certain civil courts. There was no effort at coordination prior to the formation of this Committee.

4. Plan Administrator - Rule 6.5(g)(2) requires each Committee to select and employ a plan administrator to provide the necessary coordination and administrative support for the District Pro Bono Committee. Please indicate the name of the person, the duties of the plan administrator, if that position is funded and if so, the source of those funds.

The full-time Plan Administrator for the First District is Judith Haller Stanton, Esq., a practicing attorney of almost 22 years of which she spent fifteen years as a former Legal Services attorney and six years as a private practitioner before coming on board with the Committee in 2001. **See Curriculum Vitae, Appendix 7.** Her duties include staffing the Committee, screening and placing pro bono cases, developing and implementing financial and data related systems, as well as reports and records, developing public relations and informational materials, drafting proposals and reports, and assisting the Committee with attorney recruitment and recognition, bar association and community collaboration, and other organizational efforts. Her position is funded through the Committee's general budget, which presently consists almost entirely of IOLTA funds.

5. Monitoring Role - Briefly describe how the District Committee will evaluate and record the progress and success of the District Plan.

(a) Quality of services provided:

Recognizing that one of the hallmarks of a good pro bono program is insuring the quality of services provided, **see Hallmark #1, "Accountability"**, one of the first things our Committee accomplished this year was to adopt a written Quality Assurance Plan (see Appendix 1). This

plan was developed by our Quality Assurance subcommittee chaired by Judge Lorenzo Arredondo, with particular assistance from our Board member Ken Flanagan who represents Catholic Charities. The QA Plan, which is based on the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means, provides for client and attorney followup questionnaires and contacts, monitoring of the length of time needed for referrals, collaborative continuing legal education for volunteer attorneys, and soliciting periodic feed-back from community services organizations and the public. By the adoption and implementation of such a plan we believe we have achieved **Hallmark #11, “ABA Standards”**.

The Plan Administrator sends out to the volunteer attorneys (and insures responses to) initial, interim, and final case status reports. She also sends out Client Satisfaction Questionnaires to clients at the conclusion of their matter and to clients who are reported as “no shows” by the attorneys. One committee member, a former client, has also volunteered to assist with telephonic follow-ups with clients where appropriate. Based on this service and operational information the Quality Assurance committee will develop corrective action plans if needed and otherwise insure the provision of quality legal services.

(b) Quantity:

(i) number of attorneys participating

The Committee sets annual recruitment goals and plans efforts to reach those goals. The Plan Administrator tracks and reports the attorneys who participate in the program and the numbers and types of cases accepted.

(ii) number of clients served

The Committee sets annual goals for increasing the number of clients served and broadening the kinds of legal problems addressed. The Plan Administrator maintains the database of client referrals received and placed and provides quarterly reports to the Committee.

(iii) number of hours

The Committee works to encourage attorneys to volunteer for more complicated/time-consuming cases. The attorneys’ initial, interim, and final Case Status reports include the number of hours donated.

(c) Costs associated with achieving goals

The Committee’s budget tracks the costs of supplies, telephone, printed materials, and other specific expenses related to outreach & recruitment activities as well as the costs of the primary referral process. Financial reports are provided to the Board at its quarterly meetings and are reviewed in the interim by the Finance/Audit & Resource Development subcommittee. This another example of compliance with **Hallmarks # 6 “Accountability”, and #8 “ Cost Effectiveness.”**

C. Annual Report: Existing Services, Programs, and Funding Sources - Please provide a detailed description of existing service providers, programs and funding sources currently in existence within your District. Please utilize the worksheets on the following pages for each entity and fill out the legal service provider annual progress report for each entity and the district annual progress report.

The only other organized legal service provider in the our district is Indiana Legal Services, which serves all seven counties in the FirstDistrict from its offices in Gary, Hammond, South Bend, and Lafayette. However the Lake County CASA program, the Lake County Domestic Relations Counseling Bureau, and the Porter County Family Court Mediation Project also recruit attorney volunteers. We have solicited data from all four of these entities and have also send a request for information to the domestic violence shelters which serve First District Counties. Their responses, if any, are also attached as Appendices 3 and 4. (Please note that data from the Caring Place was received by phone and entered by us on the Report form.)

In recognition of the reality of reduced interest rates, with the resulting reduction in IOLTA dollars since 2001, the Committee explored other funding resources. The Committee's co-chair, Richard P. Komyatte, made a presentation to the Board of Managers of the largest bar association in the district, the Lake County Bar Association, and encouraged it to make an "ownership" committment (see Hallmark No. One). The Board agreed to provide an opportunity for bar members to donate monies by a check-off process on its annual dues form. This check off resulted in the receipt of some \$9000.00 from the LCBA for 2001. We believe this is a prime example of the Bar recognizing its ownership of our program.

Legal Service Provider
Annual Progress Report-JULY 1, 2001 TO JUNE 30,2002

	District One Pro Bono Office Only
Screened Cases	177
Assigned Cases	163
Closed Cases	157
Declined Cases	3
Other Cases: (specify) Disposed in-house	30: 16 advised 3 no show/ no response 10 client resolved problem
Number of Volunteer Attorneys	148: 148 (Lake/Porter)

List Number of Cases of Each Type	District One Pro Bono Office Only
Consumer/Finance	107
Education	0
Employment	0
Family	48
Juvenile	0
Health	0
Housing	2
Income Maintenance	0
Individual Rights	0
Other*	27 Wills/Estates/Guardianships 1 Immigration/Naturalization 1 Not-for-profit corp/group
Total Number of Cases	186

District's Total Data sent as separate document for pagination purposes

D. 2002-2003 Annual Plan:

Problem Statements\ Recommendations - For each problem, use one complete worksheet with as many recommendations for solving that problem as necessary. Please number your problems according to priority.

- 1. Problem Identification- Problem statements identify all of the barriers faced by indigent individuals in their effort to resolve problems through the legal system.**
- 2. Supportive Data- Supportive Data (statistics, survey results, records, reports, etc.) should be organized to show how the barriers are preventing people from accessing justice.**
- 3. Recommended Actions to address barriers and problems - These recommendations are identified with one of the categories of opportunities for attorneys found in Rule 6.5 (i).**
- 4. Recommended Actions to support the participating attorneys. - These elements are identified in Rule 6.5(h).**
- 5. Expected Results - The expected result is a statement describing the expected benefit to be derived from the expenditure of human and financial resources.**
- 6. Benchmarks - These are the measurable goals for evaluating progress of proposed recommended actions.**
- 7. Costs associated with benchmarks - This is the proposed budget necessary for achieving the expected results.**

PROBLEM STATEMENTS/RECOMMENDATIONS WORKSHEET

The First Judicial District Committee identified four major problems/barriers as its priority projects for 2002. We have re-prioritized and updated them and will continue its work in these areas in 2003:

Problem/Barrier#1: ATTORNEY RECRUITMENT and TECHNICAL SUPPORT.

Description: Current volunteer attorneys are generally under-informed about the barriers that the clients face and the realities of poverty level incomes. They often lack familiarity with some of the substantive areas of the law which impoverished clients must deal with, e.g. public benefits such as TANF, township poor relief, medicaid. There is also a constant need to (1) encourage, handhold, and sometimes exert moral pressure to ensure that more complex as well as very simple matters are accepted and vigorously handled by the volunteers; (2) think creatively about ways in which the private bar can meet the legal needs; and (3) prevent volunteer "burn out".

So we have a two-fold recruitment situation: More than 900 attorneys practice in Lake County alone, which is also where a large part of the poverty population is concentrated. However, we far fewer attorneys in the remaining four counties where, although the poverty population is enormously smaller in number, it is substantially higher in percentage of the overall county population and much more spread apart geographically; further, the local bar associations are much less active, if they exist at all. Moreover, in some of the counties in the First Judicial District, many attorneys apparently remain hostile to IOLTA and/or the pro bono project.

What data supports your statement of the problem?

While there are no known surveys in the First Judicial District which have formally documented the above issues, those of us who have been at either the delivery or the receiving end of recruitment, as well as members of the local judiciary, can experientially attest to the above problems. *As exemplified by the comments received from North Central Indiana Rural Crisis Center letter [see Attachment 2], the Committee's experience is that not many attorneys will accept a more complicated matter such as a divorce involving a child custody dispute on a volunteer basis. Other attorneys seem to find all sorts of ways to decide after meeting with a client that they are not deserving of free legal help. We try to assert the principle that if the attorney would accept a given case if the client were to come in the door with retainer in hand, then the attorney should not refuse such case in a pro bono situation.*

Recommended Action and Plan for Implementation (See Hallmark #4, "Direct Representation Component")

1. Using the Bench and Bar Resolutions obtained in 2001 in Lake County, as well as the Bench Resolutions obtained in 2002 in Starke, Jasper and Pulaski Counties (see **Appendices 5 and 6**), as a model, continue to seek the passage of similar resolutions by both the judiciary and bar associations in the other counties in the District. Then, after the passage of these resolutions, solicit, encourage, and recognize continued judicial and organizational bar participation in the recruitment and acknowledgement of pro bono participation.

2. As part of the moral/ethical “jawboning”, educate attorneys on what is a “pro bono” case within the meaning of the Supreme Court rule and, through a more hands-on approach to case assignment, try to give the attorney a better personal flavor of the client’s particular legal problem and whatever barriers the client faces in trying to resolve the problem.
3. Through personal follow-ups with volunteer attorneys identify and address specific concerns, bad experiences, etc. with the goal of encouraging their continued participation in the pro bono arena.
4. Develop or participate in CLE programs which allow volunteer attorneys reduced registration fees in return for volunteering to handle pro bono cases.

Expected Results:

Greater commitment from the bench, bar as a whole, law firms, and the general practitioner, to playing an active and effective role in insuring access to justice for all.

Benchmarks:

For 2002 we set the following benchmarks of progress towards the above goals and have achieved the following results:

Obtain resolutions supportive of pro bono and the 50 annual hours aspirational goal from the bench and bar associations from Porter, LaPorte,, Newton, Starke and Pulaski Counties and more commitment to to the principle of access to justice for all by the bar in general:

To date: Supportive resolutions received from Judge David Matsey, Starke Circuit Court, Judges J. Philip McGraw and Dwayne Daugherty from Jasper Superior and Circuit Courts, and Judge Patrick Blankenship from Pulaski Circuit Court. Resolution pending before the Porter County Bar Association to be heard at its July, 2002 business meeting.

For 2003: Pursue remaining Counties, Bar Associations, and Inns of Court and work with those who have already signed on to develop commitment plans.

Referral of pro bono cases to at least 100 attorneys who are not currently participated in Pro Bono and expand the menu of cases being referred:

To Date: Increased Lake & Porter County volunteers who have actually accepted cases from 45 to 148 and referred 163 cases to them; referred at least one case in the expanded subject matter areas of immigration and not-for-profit organizational assistance. The other service providers who reported referred a total of 60 cases to a total of 70 volunteer lawyers.

For 2003: Increase attorney participation by at least 50% in Lake, Porter, and LaPorte Counties; recruit additional attorneys willing to serve Newton, Jasper, or Pulaski.

Costs: See Budget. To be able to accomplish these benchmarks will require extensive mailings as well as creation of a number of printed materials. Although this will require significant dollars for postage and printing, the Committee believes these expenditures are essential to

increasing the participation of attorneys to the numbers needed to serve all the people who are and will be seeking services.

Problem/Barrier #2: LACK OF APPRECIATION BY THE PUBLIC AND EVEN MUCH OF THE PRACTICING BAR FOR THE WORK OF PRO BONO VOLUNTEER ATTORNEYS.

Problem Identification:

Historically there has been no effective gathering and publicizing of data about the valuable services which volunteer attorneys have provided to clients, both as a way of countering the often negative public perception of attorneys and also as a way of acknowledging the value of the dollars and time invested as well as encouraging more voluntary participation by attorneys,.

What data supports your statement of the problem?

Bad lawyer jokes, editorials, frequent anti lawyer comments and purported public opinion polls which seem to have saturated the media and the “collective wisdom” of the general public.

Recommended Action and Plan for Implementation:

Promptly acknowledge the time and efforts of present and future pro bono attorneys by letters of thanks from the bench and bar, the telling of client stories in available newsletters and other media, and regular reports to the bar associations in the District.

Expected Results:

Increased public awareness of the amount, variety, and monetary and social value to the community of the pro bono services provided by volunteer attorneys in the First Judicial District.

Increase in professional satisfaction by participating attorneys.

Better public understanding of the problems/barriers faced by the poor and the positive impact on their lives and families compared to the low cost of services through pro bono and Indiana Legal Services.

Benchmarks:

For 2002 we set the following benchmarks of progress towards the above goals and have achieved the following results:

Development of more thorough documentation of the types of problems pro bono attorneys have assisted with and the number of hours and costs involved:

To date: Plan Administrator provides quarterly reports to the Committee. See also our 2003 Progress Report Data above.

For 2003: Include this information in public relations materials

Establishment of regular “thank you” letter procedures between bench, bar, and the volunteer attorneys and the celebration of attorney volunteers within the legal communities.

To date: Thank you letters initiated; formal events in planning stages.

For 2003: Automate thank you letter process; conduct local celebratory pro bono events for all seven counties, either individually or in combination.

Costs: **See Budget.**

Problem/Barrier #3: BARRIERS TO ACCESSING LEGAL SERVICES :

Description: Persons who are at or below basic subsistence incomes often cannot afford the basic court filing fee let alone the usual retainer fees requested by attorneys before beginning work on a legal matter.. The staffed Legal Services programs have substantially more eligible applicants than legal staff can serve and at the same time maintain quality of services. Many clients are not aware of what legal services are available and the procedure for seeking services. Many clients also suffer from transportation barriers, fear of rejection by another agency, limited English language and other education levels and/or inability to follow through, and lack support systems (families, friends) to assist them in obtaining services. Having said all this, the underlying “barrier” is the lack of a sufficient number of attorneys, in both staff and volunteer programs, to guarantee access to justice for all!

What data supports your statement of the problem?

Information collected by the various Legal Services programs in Indiana documents that need for legal services far exceeds the number of cases existing staff programs can reasonably handle. We also sent an ad hoc survey to twenty-four (24) relevant social services programs and agencies in the First Judicial District in 2001. The eleven programs which responded described efforts to find attorneys for their clients as well as transportation needs and other barriers the clients face in accessing legal services. Many offered to provide space at their offices for attorneys to meet with clients. The areas identified where legal services are needed include: child support, divorce, bankruptcy & credit disputes, tenant/landlord disputes, child custody where there is evidence of parental neglect or abuse, public benefits issues (SSI, Medicaid, township poor relief, TANF, HOUSING, VA benefits), adult guardianships/trusts, wills, POA etc., small claims, hardship drivers licenses, denial of mental health services, and complicated protective order proceedings.

These survey results are consistent with the summary of studies of the legal needs of low income Hoosiers conducted by the Public Opinion Laboratory in 1999, and also with the Comprehensive Legal Needs Study of the Poor in Indiana conducted in the summer of 1993. [Documentation of all of the above was submitted with our 2002 Proposal and will not be resubmitted.] Additionally, in collecting data concerning pro bono activities from domestic violence shelters we received a particular request for more attorneys in the areas of domestic violence from North Central Indiana Rural Crisis Center, which services Jasper, Pulaski and Newton Counties, and in the area of immigration from Haven House domestic violence shelter in Lake County.

Recent census data also indicate Northwest Indiana has a substantial population for which Spanish, not English, may be the primary language. The percentage of Hispanic population, for example, has increased 32% in Lake County, 83% in Porter County, and 115% in LaPorte County since 1990, while the countywide populations have risen only 2%, 14%, and 3% respectively. Lake County alone has better than 27% of the Hispanic population in the State of Indiana.

The Committee's experience is that in addition to the 2 to 6 referrals received on a weekly basis from ILS offices in Lake/Porter County alone, the Plan Administrator is receiving calls from another 2 to 3 clients per day who have learned of the pro bono program either from individual private attorneys, from bar referral services, and the statewide pro bono website, as

well as courts and social service agencies. We assume that most of these would qualify for legal assistance both financially and through the nature and urgency of their legal problem. Once referrals from the South Bend and Lafayette ILS offices begin arriving these numbers are expected to increase substantially.

Thus we now could serve at least 10 to 20 clients per week---or, even discounting the referrals which are advised or otherwise screened by the Plan Administrator, about 1000 per year--just from Lake and Porter Counties. But to date, of the approximately 1500 attorneys in the First District, we have about 200 active volunteer attorneys total who are participating in the program--and those are further subdivided by the nature of their practice.

Recommended Action and Plan for Implementation:

1. Expand the areas of law to be serviced through:
 - (a) recruitment of attorneys who are willing to assume cases outside their usual line of practice;
 - (b) collaboration in training efforts for volunteer attorneys with Indiana Legal Services, the local bar associations and Inns of Court;
 - (c) organization of subject matter "teams" as needed, where available by working with the practice sections of the local bar associations,.
2. Encourage realistic locations for attorney/client communications and increase the awareness of the availability of free legal services by arranging and publicizing opportunities for attorneys to meet with clients at neighborhood community centers (e.g. the Ophelia Steen Center) or other social agencies to which clients have transportation;
3. Develop mechanisms for overcoming language/communication barriers by recruiting translators to assist in developing informational written materials in Spanish.
4. Enlist volunteer attorneys to present legal information programs for or through existing social service organizations, community centers, and other entities which serve the needs of the low-income community. (E.g., the predatory lending seminars presented this year)

Expected Results:

- A substantial increase in the number and range of cases accepted by volunteer attorneys.
- A significant decrease in the concerns of potential clients regarding their ability to access legal services.
- A significant increase in social service agency awareness of the availability of legal services, properly coordinated between our office and the office of ILS.

Benchmarks:

For 2002 we set the following benchmarks of progress towards the above expected results and have achieved the following results:

Organization of subject matter "teams":

To date: First team, for bankruptcy, now established with the help of the
Bankruptcy Section of the Lake County Bar Association.

For 2003: Seek similar endorsement and cooperation from Family Law and Probate practice sections.

Compilation of transportation and other resource data/lists:

To date: Using existing resource lists available in each community so as not to reinvent any “wheels, (literally as well as figuratively).

For 2003: Continue to collect updated information as available.

Initiation of regular public relations events/publications:

To date: In place are regular submissions to the bar newsletter and publicity about pro bono events as they occur.

For 2003: Pursue feature story coverage of pro bono services and events

Development and printing of resource materials, including bilingual materials:

To date: Informational pro bono brochure being printed, predatory lending brochure developed by Hammond Human Relations Council being translated into Spanish by volunteer attorneys from the Lake County Division of Family and Children.

For 2003: Develop attorney recruitment packet; continue to pursue/acquire translated legal materials and informational brochures.

Compilation of data on referrals reflecting the results of these efforts:

To date: Data being regularly reported to Board, under Quality Assurance Policy and Plan

For 2003: Continue to follow QA Plan.

Costs: See Budget

Problem/Barrier #4: LACK OF SELF HELP LEGAL INFORMATION AND PROCEDURES.

Description: In many settings the adage is very true that “knowledge is power”. This is no less true in the legal arena. Given the above data concerning the lack of actual legal assistance for many clients, the need for self help information and procedures becomes more important.

What data supports your statement of the problem?

In the First Judicial District, except for the Indiana Supreme Court’s pro se website, there is so far only two known organized self-help or pro se clinic type arrangements where clients might be able to better understand their legal rights or how to handle uncomplicated legal matters with no or only minimal assistance from attorneys. . The only known exceptions consist of pro se child support modification packets which are now available from the IV-D Prosecutor’s office in Gary and a procedure by which clients can acquire emergency restraining orders from certain local civil courts.. But there is no organized process for advising clients in using these processes.

Recommended Action and Plan for Implementation:

- (i) Cooperate with the local bench and bar in exploring the potential for self-help events and processes, e.g. using the local bar association websites; providing general information about court procedures, etc.
- (ii) Communication with the judiciary in the various counties regarding their existing approach to pro se litigants and areas where the bench would most welcome assistance with pro se litigants, such as being present during pro se days to generally advise and facilitate pro se clients through the process..
- (iii) Collaborate with ILS in developing, updating, and disseminating informative printed materials in basic substantive law areas.
- (iv) Develop attorney volunteer practice groups in the areas of tenant/landlord.
- (v) Select at least one substantive legal area and develop pro se litigation procedures acceptable to both bench and bar.
- (vi) Work with the judiciary, ILS and the various bar associations/practice sections to select one or two areas of law in which to develop pro se/self help informational materials, to achieve judicial acceptance of the program, and to identify practitioners willing to volunteer assistance in these substantive areas.

Expected Results:

- A better informed and empowered client population.
- More efficient litigation processes for pro se clients.

Benchmarks:

For 2002 we set the following benchmarks of progress towards the above goals and have achieved the following results:

Identification of existing legal area practice groups/ bar sections and initiation of discussions regarding how to approach client self-help:

To Date: See above re legal area practice groups; have a team of bankruptcy lawyers willing to do public education events.

For 2003: Develop family law and probate (wills, estates, guardianships) teams.

Conduct at least two (2) “self-help” informational seminars for clients and general public.

To date: Developed two seminars on predatory lending/bankruptcy in collaboration with Bank Calumet and Hammond Human Relations Council at two Hammond community centers in May, 2002. Attendance poor.

For 2003: Change strategy: provide informational programs to existing organizations with dependable audiences.

Agreement between relevant bench and bar as to at least one substantive area to develop pro se procedures and forms:

To Date: Somewhat deferred pending Indiana Supreme Court pro se project implementation.

For 2003: Confer with local judiciary re ways volunteer attorneys can assist with the pro se process in individual courtrooms; recruit volunteers and implement process.

Costs: See Budget

What activities will the attorneys in your District take to address this barrier or problem? For each checked activity, please provide a detailed description of your District's plan for implementing this activity.

In support of the above, the First Judicial District attorneys presently volunteer for the following activities according to the detailed plan described above:

- ☒ Representing persons of limited means through case referral
- ☐ Representing persons of limited means through direct contact with a lawyer when the lawyer establishes financial eligibility substantially similar to those used by legal assistance providers
- ☒ Representing community groups servicing persons of limited means through case referral
- ☐ Interviewing and determining eligibility of prospective pro bono clients
- ☒ Acting as co-counsel on cases or matters with civil legal assistance providers and other pro bono lawyers
- ☒ Providing consultation services to civil legal assistance providers for case reviews and evaluations
- ☒ Providing training to the staff of civil legal assistance providers and other volunteer pro bono attorneys;
- ☒ Making presentations to persons of limited means regarding their rights and obligations under the law
- ☐ Providing legal research
- ☒ Providing guardian ad litem services
- ☒ Serving as a mediator or arbitrator to the client-eligible party
- ☐ Other

Please check the activities, which your District will take to support the pro bono efforts of the attorneys in your District. For each checked activity, please provide a detailed description of the District's plan for implementation of this activity.

 X **Providing intake, screening, and referral of prospective clients:**

In addition to the clients screened and referred to our office by Indiana Legal Services, the Plan Administrator also conducts occasional telephonic intake and screening for clients where ILS has a conflict and also for clients occasionally referred by social service agencies or other attorneys.

 X **Matching cases with individual attorney expertise, including the establishment of specialized panels:**

During 2002 to date the Plan Administrator and members of the Committee have met with local Bar Associations, Inns of Court, etc., both to recruit volunteers and to collect information regarding practice specialties of potential volunteers. (Attorney' yellow pages telephone advertising is also a grreat source for this information.) The Plan Administrator also obtained the commitment of the bankruptcy section of the Lake County Bar Association to accept pro bono cases and to volunteer to provide information at community legal information seminars/programs and is seeking a similar commitment from the family law and probate sections. We intend to continue and expand these efforts in 2003.

 X **Providing resources for litigation and out-of-pocket expenses:**

We advance or reimburse filing fees and other litigation expenses as needed from the Committee's budgeted funds and, for ILS referrals, seek reimbursement from ILS for our costs.

 X **Providing legal education and training for pro bono attorneys in specialized areas of law useful in providing pro bono civil legal service:**

The Plan Administrator is coordinating with the Lake County Bar Association CLE committee to provide at least one seminar in the fall of 2002 at a discounted rate for pro bono volunteers.

 X **Providing the availability of consultation with attorneys who have expertise in areas of law in which a volunteer lawyer is providing pro bono civil legal service:**

We are meeting with the Porter and Lake County Inns of Court this month to begin the process of organizing mentors. We also have some attorneys who have already volunteered to mentor pro bono attorneys who are attempting new or less familiar types of cases.

 X **Providing malpractice insurance for volunteer pro bono lawyers:**

We are applying to NLADA for this insurance and are awaiting final costs.

 X **Establishing procedures to ensure adequate monitoring and follow-up, and to measure client satisfaction:**

See Attachment 1, Quality Assurance Policy, adopted in 2002.

 X **Recognizing pro bono civil legal service by lawyers:**

The Plan Administrator submits a regular Pro Bono Corner column to the Lake County Bar Association monthly newsletter through which she acknowledges the attorney volunteers each quarter and provides other information to the Bar members. She also submitted to the Indiana Lawyer information about the pro bono activities of several Lake and Porter county attorneys in regard to an environmental issue, resulting in a recent Page One article. As client stories are accumulated, we will be submitting potential feature stories to the local media in each county.

X **Other support and assistance to pro bono lawyers:**

The Plan Administrator regularly telephones pro bono lawyers where problems in implementing referrals have come to light both to hand hold and to orally encourage and support their continuing with the case. She also follows up with clients who have failed to contact the referral attorney to trouble-shoot the process. The Pro bono program we have in place also assists the attorneys in these activities by having the pro bono administrator maintain an active roster of volunteer attorneys, mediators, arbitrators, GALs etc who are available for appropriate cases. The administrator refers out cases to appropriate attorneys; follows up and reports to the Board per our Quality Assurance protocol; works with other social service providers in co-sponsoring outreach programs to the public; is available to speak with social service agencies; provides consultation services to other legal services providers who provide intake and screening services; and works with ILS to provide substantive training to their staff and to our volunteer attorneys.

Please describe the expected results and the measures, which you will utilize to determine the value to the indigent of the proposed activity.

We readopt the benchmarks, expected results and evaluative measures described at length above. Essentially we will consider the cost per client served and the reasonable monetary value of the attorney time donated along with the human results illustrated by client stories collected.

Please provide your timeline for implementing and evaluating the recommended activities.

The Board meets quarterly and the relevant subcommittees of the Board meet during the intervening months to review their respective plan responsibilities, develop plans for further implementation, and to correct deficiencies, if any, pursuant to our Quality Assurance protocol. We firmly believe that active subcommittees are critical and need the attendance of as many members as possible. Because of the driving distances to attend such meetings, we have found it important to permit "attendance" by conference call. Although this has and will result in telephone expense, the Committee believes that this is money well spent.

PROPOSED BUDGET - PROGRAM YEAR 2003*

COST CATEGORY	IOLTA \$	OTHER \$	DONATED	TOTAL
A. Personnel Costs				
1. Lawyers/Plan Administrator	72100.00			72100.00
2. Paralegals	0			0
3. Others	0			0
4. Salary Subtotal	72100.00			72100.00
5. Employee Benefit:				
Health Ins. 660.00	6650.00			6650.00
Workers Comp 750.00				
ER SS/Medicare 5240.00				
6. Total Personnel Costs	78750.00			78750.00
B. Non Personnel				
1. Space (includes library & shared clerical services)	9600.00			9600.00
2. Equipment Rental 0 Service 600.00	600.00			600.00
3. Office Supplies 1500.00 Printing 7500.00 Postage 5000.00	14000.00			14000.00
4. Telephone (phone, internet, cell, conf.calls)	5500.00			5500.00
5. Travel: (&hotel/meals) ABA Equal Justice Conf 2000.00 Other 500.00 (includes mileage & other confs.)	2500.00			2500.00
6. Training:				
Conf. fees 1300	4000.00			4000.00
CLE for volunteers 2700				

7. Library (see #1)	0			-0-
8. Insurance (malpractice)	5000.00			5000.00
9. Dues and Fees	500.00			500.00
10. Audit	3000.00			3000.00
11. Litigation	6500.00			6500.00
12. Property Acquisition	0			0
13. Purchase Payments	0			0
14. Contract Services to Clients	0			0
15. Contract Services to Program	6000.00			6000.00
16. Other (Attorney Acknowledgement Events)	2500.00			2500.00
17. Total Non Personnel Costs	60750.00			60750.00
C. Total Expenditures	139450.00			139450.00
18. Project A Disbursements				
19. Project B Disbursements				
20. Project C Disbursements				
21. Total Program Disbursements	137450.00			137450.00
22. Litigation Fund*	1000			1000
23. Self-Insurance (deductibles)	1000			1000
D. TOTAL REQUESTED	139450.00			139450

*Reserves in this category are not required to be resubmitted to the IBF if not spent during the allocation calendar year.

List of Appendices

- 1. Quality Assurance Plan**
- 2. Letter from North Central Indiana Rural Emergency Services**
- 3. Legal Services Provider Reports from:** ILS: South Bend (included all screened cases in total screened, only pro bono included in District data), & Lafayette. (ILS-Gary made no pro bono referrals after January 1, 2001 but informed us by phone that they closed 53 prior cases during 2001-02.)
- 4. Legal Services Provider Reports from:** North Central Indiana Rural Emergency Services; St. Jude House, The Caring Place (received by phone)
- 5. Resolution of Judge David Matsey, Starke Circuit Court, and Judge Patrick Blankenship, Pulaski Circuit Court**
- 6. Resolution of Judges J. Philip McGraw and Dwayne Daugherty, Jasper Superior and Circuit Courts.**
- 7. Curriculum Vitae of Plan Administrator Judith H. Stanton**
- 8. Flyer for Predatory Lending/Bankruptcy Seminar**